REMARKS/ARGUMENTS

The Examiner has maintained and made Final the rejection over Elspass in view of Meschke. This is error, and the rejection should not be sustained on Appeal.

Present Claim 1 requires a process for the manufacture of a composite material comprising drying a dispersion comprising :

(a) at least one polymer,

(b) at least one lamellar compound, and

(c) at least one dispersing liquid,

by atomization.

It is undisputed that Elspass does not form a composite material by drying a dispersion. At page 7, lines 1-3 of the Final rejection the Examiner admits that Elspass coagulates a latex, and then dries the coagulate. To any extent, then, that the latex in Elspass was a dispersion, that dispersion is purposefully destroyed by coagulation before further treatment. Only *then* is the coagulate dried. Elspass exemplifies this disclosed composite formation in Example 3 (column 6, lines 38ff) where a latex is coagulated by the addition of excess methanol, the resultant solid and liquid are separated, and the solid is dried at 60°C under vacuum. The only other solid composite formation in Elspass appears in Examples 5 and 6 thereof (column 7, lines 14ff), which use filtration to separate solid from liquid, after which the solid is again dried at 60°C under vacuum. The reference is completely void of any hint or suggestion that the latex could or should be dried prior to coagulation or filtration, or that if it were to be so dried that it be dried by atomization, as claimed. This is not disputed by the Examiner. Rather, the Examiner takes the position at page 7, lines 4-6 of the Final rejection, that the present dispersion "has to be formed from an aggregation" of its required components. This statement is not understood, and in any case is not on point.

To make up for that lacking in Elspass the Examiner cites col. 26, lines 7-19 of Meschke.

Col. 26, lines 7-19 of Meschke discloses the spray-drying of slurries that contain alumina, which is not a lamellar compound, as claimed, or a layered material as used in Elspass (see, e.g., column 25, lines 8 ff of Meschke). Contrary to the indication at page 3, second paragraph, of the Final rejection, this atomization is not suggested to improve the drying process, as there is no indication at this or any other portion of the reference suggesting any difficulty overcome, or better result obtained, with atomization.[1] In addition, and quite clearly, Meschke relies upon the properties and presence of his disclosed "connected branch polyalkylene glycol polymers" for all facets of the disclosure. See, e.g., col. 3, lines 23-25, col. 4, lines 19-21, etc. in the reference.

It is clearly not the case that one of ordinary skill in the art would have been motivated to dry the Elspass latex in the way Meschke dries his slurry. First, a latex is not a slurry.[2] Second, the Elspass latex contains a layered mineral, while the slurries spray-dried in Meschke do not. Third, Meschke critically depends on the presence of his disclosed "connected branch polyalkylene glycol polymers," which are not used in Elspass, and which are patentably distinct from, e.g., the vinylidene fluoride and vinyl chloride polymers of present Claims 18 and 19. Thus, in view of the different physical forms used in the references and the different components therein, one of ordinary skill in the art would not be motivated to ignore Elspass' specific teaching that his latex be coagulated before drying, or filtered and then dried under vacuum.

In addition to the lack of a *prima facie* case herein, Applicants have compared the present invention to the closest applied prior art - Elspass. Specifically, in Comparative Examples 9-11 described at specification page 19ff herein, making up a part of the original

[1] What Meschke discloses at this portion of the reference is simply diluting his slurry prior to atomization.
[2] See, e.g., col. 2, lines 39-44 of Elspass for a definition of the latex disclosed therein and compare with, e.g., column 25, lines 8 ff of Meschke for a description of the disclosed slurry that is spray dried.

specification and thus filed under Declaration, dispersions according to invention Example 1 were coagulated, rather than being dried by atomization as in Example 1. As explained at specification page 19, this coagulation provided a material whose morphology rendered its handling and drying so difficult as to preclude further investigation.

Thus, and when viewed in the full context of what Elspass and Meschke each disclose, and the evidence of record in the original specification supportive of patentability and comparing the presently claimed invention to the closest prior art, Applicants submit that Claim 1 herein and the claims dependent thereon define patentable subject matter. Parker, cited against Claim 7, Kieffer, cited against Claim 20, and Cohen, cited against Claim 22, do not alter this conclusion as these tertiary references are insufficient, even in combination with Meschke, to lead one of ordinary skill in the art to abandon Elspass' method of coagulation followed by drying.

Accordingly, and in view of the above amendments and explanatory remarks, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejections. The combination of prior art applied herein does not teach, suggest or disclose Applicants presently claimed invention, and for these reasons the presently pending claims should be passed to Issue.

Respectfully submitted,

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